

BILL NO. 87-27
AS AMENDED

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 87-27 (AS AMENDED)

Introduced by Council President Hardwicke

Legislative Day No. 87-21 Date July 14, 1987

AN ACT to repeal and re-enact, with amendments, Subsections B, C, D, E, and F of Section 1-29, heading, County-Owned Property; and to add new subsections G and H to the same Section 1-29, heading, County-Owned Property, of Article III, heading, General Administration, of Chapter I, heading, General Provisions, of the Harford County Code, as amended; to provide for the disposition of County-owned real property declared to be surplus; requiring that such surplus real property be disposed of at public auction; exempting certain types of real property and transactions from this requirement; requiring approval by the County Council of any lease of County real property for more than one year; authorizing the County Director of Procurement to adopt regulations to implement the provisions of this Act; and generally relating to County-owned real property.

By the Council, July 14, 1987

Introduced, read first time, ordered posted and public hearing scheduled

on: August 11, 1987

at: 6:15 P.M.

By Order: Doris Poulson, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held

on August 11, 1987

and concluded on August 11, 1987

Doris Poulson, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

BILL NO. 87-27
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1 Section 1. Be It Enacted By The County Council of Harford
2 County, Maryland, that Section 1-29, heading, County-Owned
3 Property, of Article III, heading, General Administration,
4 of Chapter 1, heading, General Provisions, of the Harford
5 County Code, be, and is hereby repealed and re-enacted, with
6 amendments, all to read as follows:

7 Chapter 1. General Provisions.

8 Article III. General Administration.

9 Section 1-29. County-Owned Property.

10 [B. Disposition of real property. The County Execu-
11 tive is authorized and empowered to sell, transfer, exchange
12 or otherwise dispose of any real property, together with any
13 improvements thereon, if the property is determined to be no
14 longer needed for public use in accordance with the follow-
15 ing provisions:

16 (1) In determining whether the property is no
17 longer needed for public use, the County Executive shall
18 inquire as to whether any department, agency or office of
19 the county government has any present use or reasonably
20 anticipates future use for the property. If no
21 instrumentality of the county desires to use the property,
22 the County Executive may declare the property no longer
23 needed for public use and offer the property to another
24 governmental entity, such as, but not limited to, the Federal
25 Government, the State of Maryland and its subdivisions and
26 municipalities within the county. In such case, the pur-
27 chase price may be less than the appraised value.

28 (2) Unless otherwise provided herein, sales or
29 transfers of real property shall be by public auction to the
30 highest acceptable bidder, with the county reserving the
31 right to reject any and all bids. Notice of auction sales
32 shall be given by publication once a week for three (3)

1 consecutive weeks in one (1) or more newspapers of general
2 circulation published in the county, stating the terms
3 thereof and the compensation to be received therefor and
4 giving opportunity for objections thereto to be filed with
5 the Director of Administration within ten (10) days after
6 the last notice of publication. In addition, the notice
7 shall state:

8 (a) The place, day and hour of the sale.

9 (b) The description of the property to be
10 sold.

11 (c) That the property will be sold at public
12 auction to the highest acceptable bidder for cash or upon
13 terms acceptable to the Treasurer and the County Attorney.

14 (d) That the county shall have the right to
15 reject any and all bids.

16 (e) That all sales are subject to approval
17 by the Board of Estimates in accordance with § 41-25 of the
18 Harford County Code, as amended.

19 (3) If it is determined by the County Executive
20 and the County Council, by a majority vote of the Council,
21 that it is in the best interest of the county to conduct the
22 disposition by other than a public auction, the County
23 Executive may dispose of the property by any means he deems
24 to be in the county's best interest.

25 C. Lease of real property.

26 (1) The County Executive is authorized and
27 empowered to lease county property in furtherance of public
28 purposes. All leases of county property shall comply with
29 Article 25A § 5(B), of the Annotated Code of Maryland.

30 (2) County Council approval is not required for
31 any lease of county property unless the lease term is for
32 more than seven (7) years, excluding renewal or option

1 periods.

2 D. All of the provisions of this section shall be
3 carried out in a manner consistent with § 5(B), Article 25A,
4 of the Annotated Code of Maryland.

5 E. Exemptions.

6 (1) Paper roads or roads closed in accordance
7 with § 225-5 of the Harford County Code, as amended, may be
8 transferred or disposed of without compliance with the
9 advertising and bidding requirements of this section and may
10 be conveyed to the abutting property owners after payment of
11 the appraised value.

12 (2) Real property conveyed to the county by the
13 Board of Education of Harford County, pursuant to the
14 Education Article of the Annotated Code of Maryland, or any
15 other surplus county property, may be transferred by the
16 county to another governmental entity or an organization
17 which qualifies as exempt under the terms of 26 U.S.C. §
18 501(c)(3), as amended, within Harford County upon terms
19 agreeable to the county and the governmental entity or
20 organization. The county may enter into multiple-party
21 agreements involving the transfer of Board of Education
22 property if they are in the best interest of the county.

23 (3) The provisions of this section shall not
24 apply to transfers in accordance with the conditions of the
25 original grant.

26 (4) The provisions of this section shall not
27 apply to any sale, acquisition, trade, lease or other
28 disposition of real property undertaken pursuant to Article
29 41, § 266A et seq., entitled the "Maryland Economic Develop-
30 ment Revenue Bond Act." of the Annotated Code of Maryland
31 (1982 Replacement Volume) or Article 41, § 438 et seq.,
32 entitled the "Maryland Industrial Land Act," of the

1 Annotated Code of Maryland (1982 Replacement Volume) or §
2 13-101 et seq., entitled the "Maryland Industrial Develop-
3 ment Financing Authority Act," Financial Institutions
4 Article of the Annotated Code of Maryland.

5 (5) The provisions of this section shall not
6 apply to real property acquired by Harford County from the
7 Department of Housing and Urban Development and located
8 within the Edgewater Village Special Assessment District.

9 F. Rules and regulations. The Director of Procurement
10 is hereby authorized to promulgate rules and regulations to
11 further implement this section in accordance with Section
12 807 of the Harford County Charter.]

13 B. DISPOSITION OF REAL PROPERTY.

14 THE COUNTY EXECUTIVE SHALL NOT SELL, TRANSFER, EXCHANGE
15 OR OTHERWISE DISPOSE OF ANY REAL PROPERTY, OR ANY IMPROVE-
16 MENTS THEREON, EXCEPT AS FOLLOWS:

17 (1) SURPLUS PROPERTY.

18 (a) AT LEAST ANNUALLY, THE COUNTY EXECUTIVE
19 SHALL, IN WRITING, SUBMIT A LIST OF ALL PARCELS OF REAL
20 PROPERTY HE DESIRES THE COUNCIL TO DECLARE TO BE SURPLUS.
21 THE SAID LIST SHALL PARTICULARLY DESCRIBE EACH PARCEL, THE
22 IMPROVEMENTS THEREON, THE REASONS WHY THE COUNTY EXECUTIVE
23 DESIRES THE SAID DECLARATION AND THE METHOD PROPOSED FOR
24 DISPOSAL.

25 (b) THE COUNCIL SHALL SCHEDULE A PUBLIC
26 HEARING(S) ON THE SAID LIST. THE PUBLIC HEARING SHALL BE
27 ADVERTISED IN AT LEAST ONE NEWSPAPER OF LOCAL CIRCULATION
28 FOR ONCE A WEEK FOR TWO (2) SUCCESSIVE WEEKS PRIOR TO THE
29 SCHEDULED PUBLIC HEARING. THE ADVERTISEMENT SHALL INCLUDE A
30 DESCRIPTION OF THE VARIOUS PARCELS; THE LOCATION OF THE
31 PARCELS; THE DATE OF THE PUBLIC HEARING(S); AND THE LOCATION
32 OF THE PUBLIC HEARING(S).

1 (c) AT THE CONCLUSION OF THE PUBLIC HEAR-
2 ING(S), THE COUNCIL, AT ITS NEXT LEGISLATIVE SESSION, BY
3 RESOLUTION, MAY DECLARE THAT ANY OF SUCH PARCELS IS NO
4 LONGER NEEDED FOR PUBLIC USE AND IS, THEREFORE, SURPLUS, OR,
5 IN THE ALTERNATIVE, THAT ANY OF SUCH PARCELS IS NOT SURPLUS.
6 AS TO PARCEL(S) DECLARED NOT TO BE SURPLUS, THE COUNCIL MAY
7 INCLUDE IN THE RESOLUTION A RECOMMENDATION AS TO MATTERS OR
8 CONCERNS THE COUNCIL DEEMS PERTINENT AND RELEVANT TO SUCH
9 PARCEL(S) WITH RESPECT TO ITS CONTINUED USE BY THE COUNTY.

10 (i) AS TO PROPERTY DETERMINED TO BE
11 SURPLUS, THE COUNTY EXECUTIVE SHALL ~~CONTINUE-WITH-THE-PROCE-~~
12 ~~DURES - HEREIN-~~ PROCEED WITH DISPOSAL IN ACCORDANCE WITH
13 SUBSECTION C AND SUBSECTION D.

14 (ii) IF THE PROPERTY IS DETERMINED NOT
15 TO BE SURPLUS, THE PROPERTY MAY NOT BE DISPOSED OF UNLESS OR
16 UNTIL SUCH TIME THAT THE COUNCIL CONSIDERS THE MATTER AGAIN.

17 C. PROCEDURES FOR THE DISPOSITION OF COUNTY REAL
18 PROPERTY.

19 (1) COUNTY REAL PROPERTY, HAVING BEEN DETERMINED
20 TO BE SURPLUS, SHALL BE DISPOSED OF BY PUBLIC AUCTION AS
21 PROVIDED FOR HEREIN UNLESS OTHERWISE STATED.

22 (a) THE COUNTY EXECUTIVE SHALL CAUSE NOTICE
23 OF AUCTION SALES TO BE PUBLISHED. PUBLICATION SHALL BE ONCE
24 A WEEK FOR THREE (3) SUCCESSIVE WEEKS IN ONE OR MORE NEWSPA-
25 PERS OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY.

26 (b) THE ADVERTISEMENT SHALL INCLUDE:

27 (i) THE TERMS OF SALE AND COMPENSATION
28 TO BE RECEIVED THEREFOR AND SHALL PROVIDE AN OPPORTUNITY FOR
29 OBJECTIONS TO BE FILED WITH THE DIRECTOR OF ADMINISTRATION
30 WITHIN TEN (10) DAYS AFTER THE LAST NOTICE OF PUBLICATION.

31 (ii) THE PLACE, DATE, AND HOUR OF
32 SALE.

1 (iii) A DESCRIPTION OF THE PROPERTY TO
2 BE SOLD, INCLUDING ADDRESS.

3 (iv) A STATEMENT THAT THE PROPERTY
4 WILL BE SOLD AT PUBLIC AUCTION TO THE HIGHEST ACCEPTABLE
5 BIDDER FOR CASH OR UPON TERMS ACCEPTABLE TO THE TREASURER
6 AND THE COUNTY ATTORNEY. NOTICE SHALL ALSO INCLUDE THAT
7 THE COUNTY SHALL HAVE THE RIGHT TO REJECT ANY AND ALL BIDS
8 AND SALES; AND

9 (v) THAT ALL SALES ARE SUBJECT TO
10 APPROVAL BY THE BOARD OF ESTIMATES IN ACCORDANCE WITH
11 SECTION 41-25 OF THIS CODE.

12 (2) DISPOSITION SHALL BE TO THE HIGHEST ACCEPT-
13 ABLE BIDDER, WITH THE COUNTY BOARD OF ESTIMATES APPROVING OR
14 DISAPPROVING ANY AND ALL BIDS AND SALES.

15 (3) IF IT IS DETERMINED BY THE COUNTY EXECUTIVE
16 AND THE COUNTY COUNCIL, BY MAJORITY VOTE OF THE COUNCIL,
17 THAT IT IS IN THE BEST INTEREST OF THE COUNTY TO DISPOSE OF
18 COUNTY REAL PROPERTY BY OTHER THAN PUBLIC AUCTION, THE
19 COUNTY EXECUTIVE MAY DISPOSE OF ANY SUCH REAL PROPERTY FOR
20 A PRICE AND UNDER TERMS HE DETERMINES TO BE IN THE COUNTY'S
21 BEST INTEREST, PROVIDED SUCH DISPOSITION SHALL BE SUBJECT TO
22 APPROVAL BY THE BOARD OF ESTIMATES IN ACCORDANCE WITH
23 SECTION 41-25 OF THIS CODE.

24 D. INTER-GOVERNMENTAL TRANSFERS.

25 A TRANSFER TO ANOTHER GOVERNMENTAL UNIT, SUCH AS, BUT
26 NOT LIMITED TO, THE STATE OF MARYLAND, THE FEDERAL GOVERN-
27 MENT OR A MUNICIPALITY WITHIN HARFORD COUNTY, MAY BE MADE
28 WITHOUT AUCTION AFTER THE COUNCIL HAS DECLARED THE PROPERTY
29 TO BE SURPLUS.

30 (1) THE TRANSFER SHALL BE FOR THE APPRAISED VALUE
31 OF THE PROPERTY.

32 (2) THE PROPERTY MAY BE TRANSFERRED TO THE

1 GOVERNMENTAL UNIT AT LESS THAN ITS APPRAISED VALUE, PROVIDED
2 THE COUNCIL HAS AUTHORIZED SUCH A TRANSFER. THE COUNTY
3 EXECUTIVE SHALL SUBMIT TO THE COUNTY COUNCIL A REQUEST TO
4 TRANSFER THE PROPERTY TO A GOVERNMENTAL UNIT, INCLUDING A
5 DESCRIPTION OF THE PROPERTY, ITS LOCATION, AND THE COMPENSA-
6 TION TO BE PAID, ALONG WITH THE APPRAISALS OBTAINED. THE
7 COUNCIL MAY VOTE TO AUTHORIZE THE TRANSFER AT THE COMPENSA-
8 TION RECOMMENDED BY THE COUNTY EXECUTIVE; ~~OR-AT-A-COMPENSA-~~
9 ~~TION-LESS-THAN-THAT-RECOMMENDED-BY-THE-COUNTY-EXECUTIVE~~ OR
10 MAY DISAPPROVE THE TRANSFER.

11 E. LEASE OF REAL PROPERTY.

12 (1) THE COUNTY EXECUTIVE IS AUTHORIZED AND
13 EMPOWERED TO LEASE COUNTY PROPERTY IN FURTHERANCE OF PUBLIC
14 PURPOSES. ALL LEASES OF COUNTY PROPERTY SHALL COMPLY WITH
15 ARTICLE 25A, SECTION 5(B), OF THE ANNOTATED CODE OF MARY-
16 LAND.

17 (2) COUNTY COUNCIL APPROVAL IS REQUIRED FOR ANY
18 LEASE OF COUNTY PROPERTY FOR A LEASE TERM OF MORE THAN ONE
19 (1) YEAR.

20 F. EXEMPTIONS.

21 EXCEPT AS PROVIDED IN THIS SUBSECTION, THE FOLLOW-
22 ING TRANSACTIONS ARE EXEMPT FROM THE PROVISIONS OF THIS
23 SECTION:

24 (1) PAPER ROADS OR ROADS CLOSED IN ACCORDANCE
25 WITH SECTION 225-5 OF THE HARFORD COUNTY CODE, AS AMENDED,
26 MAY BE TRANSFERRED OR DISPOSED OF WITHOUT COMPLIANCE WITH
27 THE ADVERTISING AND BIDDING REQUIREMENTS OF THIS SECTION AND
28 MAY BE CONVEYED TO THE ABUTTING PROPERTY OWNERS AFTER
29 PAYMENT OF THE APPRAISED VALUE.

30 (2) DISPOSITIONS MADE IN ACCORDANCE WITH THE
31 CONDITIONS UPON WHICH THE COUNTY RECEIVED THE PROPERTY IN
32 THE ORIGINAL GRANT.

(3) ANY SALE, ACQUISITION, TRADE, LEASE OR OTHER DISPOSITION OF REAL PROPERTY UNDERTAKEN PURSUANT TO ARTICLE 41, SECTION 14-101 ET SEQ., ENTITLED THE "MARYLAND ECONOMIC DEVELOPMENT REVENUE BOND ACT," OF THE ANNOTATED CODE OF MARYLAND OR ARTICLE 41, SECTION 12-401 ET SEQ., ENTITLED THE "MARYLAND INDUSTRIAL LAND ACT," OF THE ANNOTATED CODE OF MARYLAND OR SECTION 13-101 ET SEQ., ENTITLED THE "MARYLAND INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY," FINANCIAL INSTITUTIONS ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

~~(4) -- REAL PROPERTY ACQUIRED BY HARFORD COUNTY FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND LOCATED WITHIN THE EDGEWATER VILLAGE SPECIAL ASSESSMENT DISTRICT.~~

(4) TRANSFER OF REAL PROPERTY AS OTHERWISE PROVIDED FOR BY ORDINANCE OR STATUTE.

(5) REAL PROPERTY ACQUIRED BY HARFORD COUNTY FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS, WHICH HAS AN APPRAISED VALUE OF NOT MORE THAN FIVE THOUSAND DOLLARS (\$5,000.00), MAY BE CONVEYED TO THE ABUTTING OWNERS AFTER PAYMENT OF THE APPRAISED VALUE, PROVIDED THE BOARD OF ESTIMATES APPROVES THE TRANSFER.

(6) REAL PROPERTY ACQUIRED BY HARFORD COUNTY FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS MAY BE CONVEYED TO THE STATE HIGHWAY ADMINISTRATION, PROVIDED THE BOARD OF ESTIMATES APPROVES THE TRANSFER AND THE STATE HIGHWAY ADMINISTRATION NEEDS THE PROPERTY FOR A PUBLIC PURPOSE AND PAYS THE COUNTY AN AMOUNT EQUAL TO THE ORIGINAL CONSIDERATION PLUS REASONABLE INTEREST AND ADMINISTRATIVE COSTS.

(7) REAL PROPERTY ACQUIRED BY HARFORD COUNTY FOR THE USE OF THE DEPARTMENT OF PUBLIC WORKS, WHICH IS IN THE OPINION OF THE BOARD OF ESTIMATES TOO SMALL OR OTHERWISE UNSUITABLE FOR PRIVATE USE OR DEVELOPMENT, MAY BE CONVEYED

1 TO THE ABUTTING OWNER, PROVIDED THE BOARD OF ESTIMATES
2 APPROVES THE CONVEYANCE.

3 G. RULES AND REGULATIONS.

4 THE DIRECTOR OF PROCUREMENT IS HEREBY AUTHORIZED
5 TO PROMULGATE RULES AND REGULATIONS TO FURTHER IMPLEMENT
6 THIS SECTION IN ACCORDANCE WITH SECTION 807 OF THE HARFORD
7 COUNTY CHARTER.

8 H. ALL OF THE PROVISIONS OF THIS SECTION SHALL BE
9 CARRIED OUT IN A MANNER CONSISTENT WITH SECTION 5(B),
10 ARTICLE 25A, OF THE ANNOTATED CODE OF MARYLAND.

11 Section 2. And Be It Further Enacted, that this Act shall
12 take effect sixty (60) calendar days from the date it
13 becomes law.

14 EFFECTIVE: November 9, 1987
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BY THE COUNCIL

87-27
AS AMENDED

BILL NO. 87-27 (as amended)

Read the third time.

Passed LSD 87-26 (September 8, 1987) (with amendments)

Failed of Passage _____

By Order

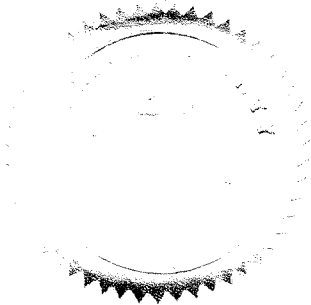
Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 9th day of September, 1987
at 3:00 o'clock P.M.

Doris Poulsen, Secretary

BY THE EXECUTIVE

APPROVED:



[Signature]
County Executive
Date 9-10-87

BY THE COUNCIL

This Bill (No. 87-27, as amended), having been approved by the
Executive and returned to the Council, becomes law on September 10,
1987.

Doris Poulsen, Secretary

EFFECTIVE DATE: November 9, 1987

87-27
AS AMENDED